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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,546	11/26/2003	Craig Allen Pisaris-Henderson	035567/RUS/2	1864
30873	7590	06/24/2008		
DORSEY & WHITNEY LLP			EXAMINER	
INTELLECTUAL PROPERTY DEPARTMENT			CARLSON, JEFFREY D	
250 PARK AVENUE			ART UNIT	
NEW YORK, NY 10177			PAPER NUMBER	
			3622	
			MAIL DATE	
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			06/24/2008	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,546

Applicant(s)

PISARIS-HENDERSON ET AL.

Examiner

Jeffrey D. Carlson

Art Unit

3622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 and 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-26 and 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date 2/7/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-7, 11-13, 18, 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

- Claim 1 is a system claim and generally sets forth structure in the form of computer-programmed capabilities (which is proper), yet the claim finishes with what appears as a method step (route the query client to and advertising content page) rather than a computer-programmed capability capable of routing the query client to and advertising content page.
- Claim 18, there is no antecedent basis for a website.
- Claim 20, there is no antecedent basis for the keyword database.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-7, 11-26, 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson (US20010054001).

5. Regarding claims 1, 14-16, 19, 20, Robinson teaches systems and method for advertising whereby a client's computer requests an advertisement. An arbitration module provides for the automated selection of an advertiser's ad from a plurality of advertisers and their ads [¶ 0014]. The advertisers submit bids to be used in an auction process for selecting the ads [¶ 15, 16]. This is taken to therefore provide a database representing advertisers and their bids, as well as a database representing the advertising content to be displayed/linked upon successful advertisement selection by the arbitration module. Robinson also describes an approach where a rotation cycle of bidding advertisers is determined and the next advertiser is chosen in sequence for fulfilling advertising opportunities [¶ 43, 58]. The ad is then displayed for the client, which is taken to meet the feature of routing the client to the advertising webpage content of the chosen advertiser.

6. Regarding claims 2-7, 21-26, Robinson teaches that another issue to resolve is the timing of each advertisers desired impressions for their campaigns. The rotation for advertiser selection can be modified so that ads that are being placed ahead of the target schedule can be slowed down [¶ 36, 61, 62, 81, 91]. This provides a determination based on historical rotation as well as bids, Thereby reducing a disparity between historical rotation data (impressions to date for the campaign) and the associated bids. The historical rotation data is comprised of actual participation data

that now represents the past. The effect of Robinson can be said to also reduce the disparity between actual data and target participation data.

7. Regarding claims 11-13, 30-32, the advertisement that is displayed is taken to represent a subset of participating (bidding on such a targeted user) advertisers.

Further, where one advertiser outbids all others, a single advertiser can represent the entire list of "participating" advertisers.

8. Regarding claim 17, any content rendered on a computer screen is taken to be "graphical". The content is processed and displayed by a graphics processor, even if the graphics are evocative of textual information. The pixels collectively forming displayed text represent graphics.

9. Regarding claim 18, the advertising is associated with the advertisers defined URL.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey D. Carlson/
Primary Examiner, Art Unit 3622

Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc